

REGENTS' SCHOLARSHIP AMENDMENTS

2017 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Lyle W. Hillyard

House Sponsor: Daniel McCay

LONG TITLE

General Description:

This bill amends provisions related to the Regents' Scholarship Program.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ modifies the Regents' Scholarship Program for students who graduate from high school after July 1, 2018;
- ▶ enacts provisions related to the modified Regents' Scholarship Program, including provisions related to:
 - the distribution process for Regents' Scholarship Program money;
 - student eligibility for a Regents' scholarship; and
 - required rulemaking of the State Board of Regents; and
- ▶ makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

53B-8-105, as last amended by Laws of Utah 2013, Chapter 64



28 **63G-12-402**, as last amended by Laws of Utah 2015, Chapter 370
29 **63I-2-253**, as last amended by Laws of Utah 2016, Chapters 128, 229, 236, 271, and

30 318

31 ENACTS:

32 **53B-8-201**, Utah Code Annotated 1953

33 RENUMBERS AND AMENDS:

34 **53B-8-202**, (Renumbered from 53B-8-108, as last amended by Laws of Utah 2016,
35 Chapter 188)

36 **53B-8-203**, (Renumbered from 53B-8-109, as last amended by Laws of Utah 2013,
37 Chapter 64)

38 **53B-8-204**, (Renumbered from 53B-8-110, as last amended by Laws of Utah 2010,
39 Chapter 6)

40 **53B-8-205**, (Renumbered from 53B-8-111, as last amended by Laws of Utah 2013,
41 Chapter 64)



42
43 *Be it enacted by the Legislature of the state of Utah:*

44 Section 1. Section **53B-8-105** is amended to read:

45 **53B-8-105. New Century scholarships -- High school requirements.**

46 (1) As used in this section, "complete the requirements for an associate degree" means
47 that a student:

48 (a) (i) completes all the required courses for an associate degree from a higher
49 education institution within the state system of higher education that offers associate degrees;
50 and

51 (ii) applies for the associate degree from the institution; or

52 (b) completes equivalent requirements described in Subsection (1)(a)(i) from a higher
53 education institution within the state system of higher education that offers baccalaureate
54 degrees but does not offer associate degrees.

55 (2) (a) The board shall award New Century scholarships.

56 (b) The board shall develop and approve the math and science curriculum described
57 under Subsection (3)(a)(ii).

58 (3) (a) In order to qualify for a New Century scholarship, a student in Utah schools

59 shall complete the requirements for an:

60 (i) associate degree; or

61 (ii) approved math and science curriculum.

62 (b) The requirements under Subsection (3)(a) shall be completed:

63 (i) (A) for a student whose class graduates from high school in 2010 or before, by
64 September 1 of the year the student's class graduates from high school; or

65 (B) for a student whose class graduates from high school in 2011 or after, by the day on
66 which the student's class graduates from high school; and

67 (ii) with at least a 3.0 grade point average.

68 (c) In addition to the requirements in Subsection (3)(a), a student in Utah schools
69 whose class graduates from high school in 2011 or after shall:

70 (i) complete the high school graduation requirements of:

71 (A) a public high school established by the State Board of Education and the student's
72 school district or charter school; or

73 (B) a private high school in the state that is accredited by a regional accrediting body
74 approved by the board; and

75 (ii) complete high school with at least a 3.5 cumulative high school grade point
76 average.

77 (4) Notwithstanding Subsection (3), for a student who does not receive a high school
78 grade point average, the student shall:

79 (a) complete the requirements for an associate degree:

80 (i) (A) for a student who completes high school in 2010 or before, by September 1 of
81 the year the student completes high school; or

82 (B) for a student who completes high school in 2011 or after, by June 15 of the year the
83 student completes high school; and

84 (ii) with at least a 3.0 grade point average; and

85 (b) score a composite ACT score of 26 or higher.

86 (5) To be eligible for the scholarship, a student:

87 (a) shall submit an application to the board with:

88 (i) an official college transcript showing college courses the student has completed to
89 complete the requirements for an associate degree; and

- 90 (ii) (A) if applicable, an official high school transcript; or
- 91 (B) if applicable, a copy of the student's ACT scores;
- 92 (b) shall be a citizen of the United States or a noncitizen who is eligible to receive
- 93 federal student aid;
- 94 (c) may not have a criminal record, with the exception of a misdemeanor traffic
- 95 citation; and
- 96 (d) if applicable, shall meet the application deadlines as established by the board under
- 97 Subsection (10).
- 98 (6) (a) The scholarship may be used at a:
- 99 (i) higher education institution within the state system of higher education that offers
- 100 baccalaureate programs; or
- 101 (ii) private, nonprofit college or university in the state accredited by the Northwest
- 102 Association of Schools and Colleges that offers baccalaureate programs.
- 103 (b) For a student whose class graduates from high school in 2010 and who completes
- 104 the requirements under Subsection (3)(a) by September 1, 2010:
- 105 (i) if used at an institution described in Subsection (6)(a)(i), the value of the
- 106 scholarship is up to 75% of the tuition costs at the selected institution; or
- 107 (ii) if used at an institution described in Subsection (6)(a)(ii), the value of the
- 108 scholarship is up to 75% of the tuition costs at the institution, not to exceed 75% of the average
- 109 tuition costs at the institutions referred in Subsection (6)(a)(i).
- 110 (c) (i) For a student whose class graduates in 2011 or after and who completes the
- 111 requirements under this section, the total value of the scholarship is up to \$5,000, allocated
- 112 over a time period described in Subsection (6)(d), as prescribed by the board.
- 113 (ii) The board may increase the scholarship amount described in Subsection (6)(c)(i) by
- 114 an amount not to exceed the average percentage tuition increase approved by the board for
- 115 institutions in the state system of higher education.
- 116 (d) The scholarship is valid for the shortest of the following time periods:
- 117 (i) two years of full-time equivalent enrollment;
- 118 (ii) 60 credit hours; or
- 119 (iii) until the student meets the requirements for a baccalaureate degree.
- 120 (e) (i) A scholarship holder shall enroll full-time at a higher education institution by no

121 later than the fall term immediately following the student's high school graduation date or
122 receive an approved deferral from the board.

123 (ii) The board may grant a deferral or leave of absence to a scholarship holder, but the
124 student may only receive scholarship money within five years of the student's high school
125 graduation date.

126 ~~[(7)(a) The board may cancel a New Century scholarship at any time if the student
127 fails to:]~~

128 ~~[(i) register as a full-time student;]~~

129 ~~[(ii) maintain at least a 3.0 grade point average for two consecutive semesters; or]~~

130 ~~[(iii) make reasonable progress towards the completion of a baccalaureate degree.]~~

131 ~~[(b) Beginning July 1, 2013, the]~~

132 (7) The board may cancel a New Century scholarship at any time if the student fails to:

133 [(i)] (a) register for at least 15 credit hours per semester;

134 [(ii)] (b) maintain a 3.3 grade point average for two consecutive semesters; or

135 [(iii)] (c) make reasonable progress ~~[towards]~~ toward the completion of a baccalaureate
136 degree.

137 (8) (a) Subject to future budget constraints, the Legislature shall make an annual
138 appropriation from the General Fund to the board for the costs associated with the New
139 Century Scholarship Program authorized under this section.

140 (b) It is understood that the appropriation is offset in part by the state money that would
141 otherwise be required and appropriated for these students if they were enrolled in a four-year
142 postsecondary program at a state-operated institution.

143 (c) Notwithstanding Subsections (2)(a) and (6), if the appropriation under Subsection
144 (8)(a) is insufficient to cover the costs associated with the New Century Scholarship Program,
145 the board may reduce the scholarship amount.

146 (9) (a) The board shall adopt policies establishing an application process and an appeal
147 process for a New Century scholarship.

148 (b) The board shall disclose on all applications and related materials that the amount of
149 the scholarship is subject to funding and may be reduced, in accordance with Subsection (8)(c).

150 (c) The board shall require an applicant for a New Century scholarship to certify under
151 penalty of perjury that:

- 152 (i) the applicant is a United States citizen; or
- 153 (ii) the applicant is a noncitizen who is eligible to receive federal student aid.
- 154 (d) The certification under this Subsection (9) shall include a statement advising the
- 155 signer that providing false information subjects the signer to penalties for perjury.

156 (10) The board may set deadlines for receiving New Century scholarship applications

157 and supporting documentation.

158 (11) A student may not receive both a New Century scholarship and a Regents'

159 scholarship established in [~~Section 53B-8-108~~] Part 2, Regents' Scholarship Program.

160 Section 2. Section **53B-8-201** is enacted to read:

161 **Part 2. Regents' Scholarship Program**

162 **53B-8-201. Regents' Scholarship Program.**

163 (1) As used in this section:

164 (a) "Eligible institution" means:

165 (i) a credit-granting institution of higher education within the state system of higher

166 education described in Section 53B-1-102; or

167 (ii) a private, nonprofit college or university in the state that is accredited by the

168 Northwest Commission on Colleges and Universities.

169 (b) "Eligible student" means a student who:

170 (i) applies to the board in accordance with the rules described in Subsection (6);

171 (ii) is enrolled in an eligible institution; and

172 (iii) meets the criteria established by the board in rules described in Subsection (6).

173 (c) "Program" means the Regents' Scholarship Program described in this section.

174 (2) (a) A student who graduates from high school after July 1, 2018:

175 (i) may receive a Regents' scholarship in accordance with this section; and

176 (ii) may not may receive a scholarship in accordance with Sections 53B-8-202 through

177 53B-8-205.

178 (b) A student who graduates from high school on or before July 1, 2018:

179 (i) may receive a scholarship in accordance with Sections 53B-8-202 through

180 53B-8-205; and

181 (ii) may not receive a Regents' scholarship in accordance with this section.

182 (3) (a) Subject to legislative appropriations and Subsection (3)(d), beginning with an

183 appropriation for fiscal year 2019, the board shall annually distribute money for the Regents'
184 Scholarship Program described in this section to each eligible institution to award as Regents'
185 scholarships to eligible students.

186 (b) The board shall annually determine the amount of a Regents' scholarship based on:

187 (i) the number of eligible students in the state; and

188 (ii) money available for the program.

189 (c) The board shall annually determine the total amount of money to distribute to an
190 eligible institution based on the eligible institution's share of all eligible students in the state.

191 (d) An eligible institution that is a private, nonprofit college or university shall, to
192 receive money distributed by the board described in Subsection (3)(a), enter into a written
193 agreement with the board in which the eligible institution agrees to:

194 (i) provide the board with access to information and data necessary for the purposes of
195 the program; and

196 (ii) comply with an audit by the board described in Subsection (5) if the board conducts
197 an audit.

198 (4) (a) Except as provided in Subsection (4)(b), an eligible institution shall provide to
199 an eligible student a Regents' scholarship in the amount determined by the board described in
200 Subsection (3)(b).

201 (b) An eligible institution may reduce the amount of a Regents' scholarship provided to
202 an eligible student based on other state aid awarded to the eligible student for tuition and fees.

203 (5) The board may:

204 (a) audit an eligible institution's administration of Regents' scholarships; and

205 (b) require an eligible institution to repay to the board money distributed to the eligible
206 institution under this section that is not provided to an eligible student as a Regents'
207 scholarship.

208 (6) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
209 board shall make rules that establish:

210 (a) requirements related to an eligible institution's administration of Regents'
211 scholarships;

212 (b) a process for a student to apply to the board to determine the student's eligibility for
213 a Regents' scholarship;

214 (c) criteria to determine a student's eligibility for a Regents' scholarship, including:
 215 (i) minimum secondary education academic performance standards;
 216 (ii) the completion of secondary core curriculum and graduation requirements;
 217 (iii) the completion of a Free Application for Federal Student Aid;
 218 (iv) need-based measures that address college affordability and access; and
 219 (v) minimum enrollment requirements in an eligible institution; and
 220 (d) a requirement for each eligible institution to annually report to the board on all
 221 Regents' scholarships awarded by the eligible institution.

222 (7) The board shall annually report on the program to the Higher Education
 223 Appropriations Subcommittee.

224 (8) (a) The State Board of Education, a school district, or a public high school shall
 225 cooperate with the board and eligible institutions to facilitate the program, including by
 226 exchanging relevant data where allowed by law.

227 (b) The State Board of Education shall annually provide to the board a list of directory
 228 information, including name and address, for each grade 8 student in the state.

229 Section 3. Section **53B-8-202**, which is renumbered from Section 53B-8-108 is
 230 renumbered and amended to read:

231 ~~[53B-8-108].~~ **53B-8-202. Regents' Scholarship Program -- General**
 232 **provisions -- Board policies.**

233 (1) This section only applies to a student who graduates from high school on or before
 234 July 1, 2018.

235 ~~[(+)]~~ (2) The Regents' Scholarship Program is created to award merit scholarships to
 236 students who complete a rigorous core course of study in high school.

237 ~~[(2)]~~ (3) (a) A student who is awarded the Base Regents' scholarship established in
 238 Section ~~[53B-8-109]~~ 53B-8-203 may also be awarded each of the supplemental awards
 239 established in Sections ~~[53B-8-110 and 53B-8-111]~~ 53B-8-204 and 53B-8-205.

240 (b) A student may not receive both a Regents' scholarship and a New Century
 241 scholarship established in Section 53B-8-105.

242 ~~[(3)]~~ (4) A Regents' scholarship may only be used at a:

243 (a) credit-granting higher education institution within the state system of higher
 244 education; or

245 (b) private, nonprofit college or university in the state that is accredited by the
246 Northwest [~~Association of Schools and Colleges~~] Commission on Colleges and Universities.

247 [~~(4)~~] (5) (a) A scholarship holder shall enroll full-time at a higher education institution
248 described in Subsection [~~(3)~~] (4) by no later than the fall term immediately following the
249 student's high school graduation date or receive an approved deferral from the board.

250 (b) The board may grant a deferral or leave of absence to a scholarship holder, but the
251 student may only receive scholarship money within five years of the student's high school
252 graduation date.

253 [~~(5)~~] (6) (a) The board shall annually report on the Regents' Scholarship Program at the
254 beginning of each school year to the Higher Education Appropriations Subcommittee.

255 (b) The board shall ensure that the report includes the number of students in each
256 school district and public high school who meet the academic criteria for the Base Regents'
257 scholarship and for the Exemplary Academic Achievement Scholarship.

258 (c) The State Board of Education, school districts, and public high schools shall
259 cooperate with the board to facilitate the collection and distribution of Regents' Scholarship
260 Program data.

261 [~~(6)~~] (7) The State Board of Education shall annually provide the board a complete list
262 of directory information, including student name and address, for all grade 8 students in the
263 state.

264 [~~(7)~~] (8) The board shall adopt policies establishing:

265 (a) the high school and college course requirements described in Subsection
266 [~~53B-8-109(1)(d)(i)~~] 53B-2-203(2)(d)(i);

267 (b) the additional weights assigned to grades earned in certain courses described in
268 Subsections [~~53B-8-109(4) and 53B-8-111(7)~~] 53B-8-203(5) and 53B-8-205(8);

269 (c) the regional accrediting bodies that may accredit a private high school described in
270 Subsection [~~53B-8-109(1)(a)(ii)~~] 53B-8-203(2)(a)(ii);

271 (d) (i) the application process and an appeal process for a Regents' scholarship,
272 including procedures to allow a student to apply for the scholarship on-line; and

273 (ii) a disclosure on all applications and related materials that the amount of the awards
274 is subject to funding and may be reduced, in accordance with Subsection [~~(8)~~] (9)(b); and

275 (e) how college credits correlate to high school units for purposes of Subsection

276 ~~[53B-8-109(1)(d)(i)]~~ 53B-8-203(2)(d)(i).

277 ~~[(8)]~~ (9) (a) Subject to future budget constraints, the Legislature shall make an annual
 278 appropriation from the Education Fund to the board for the costs associated with the Regents'
 279 Scholarship Program authorized under this section and Sections [~~53B-8-109, 53B-8-110, and~~
 280 ~~53B-8-111]~~ 53B-8-203, 53B-8-204, and 53B-8-205.

281 (b) Notwithstanding the provisions of this section and Sections [~~53B-8-109;~~
 282 ~~53B-8-110, and 53B-8-111]~~ 53B-8-203, 53B-8-204, and 53B-8-205, if the appropriation under
 283 Subsection ~~[(8)]~~ (9)(a) is insufficient to cover the costs associated with the Regents'
 284 Scholarship Program, the board may reduce the amount of the Base Regents' scholarships and
 285 supplemental awards.

286 ~~[(9)]~~ (10) The board may set deadlines for receiving Regents' scholarship applications
 287 and supporting documentation.

288 Section 4. Section **53B-8-203**, which is renumbered from Section 53B-8-109 is
 289 renumbered and amended to read:

290 ~~[53B-8-109].~~ **53B-8-203. Regents' Scholarship Program -- Base Regents'**
 291 **scholarship -- Qualifications -- Application.**

292 (1) This section only applies to a student who graduates from high school on or before
 293 July 1, 2018.

294 ~~[(1)]~~ (2) A student qualifies for a Base Regents' scholarship if the student:

295 (a) completes the high school graduation requirements of:

296 (i) a public school established by the State Board of Education and the student's school
 297 district or charter school; or

298 (ii) a private high school in the state that is accredited by a regional accrediting body
 299 approved by the board;

300 (b) completes high school with at least a 3.0 cumulative grade point average;

301 (c) has at least one reported ACT test score; and

302 (d) (i) completes the following high school or college credit in grades 9[-] through 12:

303 (A) four units of credit of English;

304 (B) four units of credit of mathematics;

305 (C) three and one-half units of credit of social science;

306 (D) three units of credit of lab-based natural science; and

307 (E) two units of credit of sequential world or classical language other than English; and
 308 (ii) except as provided in Subsection [~~(4)~~] (5), earns a course grade on a transcript of
 309 "C" or above in each individual course listed in Subsection [~~(1)~~] (2)(d)(i).

310 [~~(2)~~] (3) The board shall establish policies to determine specific courses that meet the
 311 requirements under Subsection [~~(1)~~] (2)(d)(i).

312 [~~(3)~~] (4) To be eligible for the scholarship, a student:

313 (a) shall submit an application to the board with:

314 (i) a copy of the student's official high school transcript and ACT scores; and

315 (ii) if applicable, a college transcript showing a college course the student has
 316 completed to meet the requirements of Subsection [~~(1)~~] (2)(d);

317 (b) shall be a citizen of the United States or a noncitizen who is eligible to receive
 318 federal student aid;

319 (c) may not have a criminal record, with the exception of a misdemeanor traffic
 320 citation; and

321 (d) if applicable, shall meet the application deadlines as established by the board under
 322 Subsection [~~53B-8-108(9)~~] 53B-8-202(10).

323 [~~(4)~~] (5) For purposes of determining if a student meets the grade requirements of
 324 Subsection [~~(1)~~] (2)(d)(ii), the board shall assign additional weights to grades earned in courses
 325 described in Subsection [~~(1)~~] (2)(d)(i) that are advanced placement, concurrent enrollment, or
 326 International Baccalaureate program courses.

327 [~~(5)~~] (6) (a) The amount of the Base Regents' scholarship is \$1,000.

328 (b) The board may adjust the amount of the Base Regents' scholarship by up to a
 329 percentage of the average percentage tuition increase approved by the board for institutions in
 330 the system of higher education.

331 [~~(6)~~] (7) (a) The board shall require an applicant for a Regents' scholarship to certify
 332 under penalty of perjury that:

333 (i) the applicant is a United States citizen; or

334 (ii) the applicant is a noncitizen who is eligible to receive federal student aid.

335 (b) The certification under this Subsection [~~(6)~~] (7) shall include a statement advising
 336 the signer that providing false information subjects the signer to penalties for perjury.

337 Section 5. Section **53B-8-204**, which is renumbered from Section 53B-8-110 is

338 renumbered and amended to read:

339 ~~[53B-8-110]~~. **53B-8-204. Regents' Scholarship Program -- Supplemental**
340 **award to encourage college savings.**

341 (1) This section only applies to a student who graduates from high school on or before
342 July 1, 2018.

343 ~~[(1)]~~ (2) A student who qualifies for the Base Regents' Scholarship in accordance with
344 the provisions of Section ~~[53B-8-109]~~ 53B-8-203 may be awarded up to an additional \$400 as
345 provided in this section.

346 ~~[(2)]~~ (3) A student who qualifies for the Base Regents' Scholarship shall be awarded
347 \$100 for a year that:

348 (a) the student was 14, 15, 16, or 17 years of age; and

349 (b) at least \$100 in contributions, excluding transfers, investment earnings, and
350 interest, was deposited in a Utah Educational Savings Plan account that designated the student
351 as the beneficiary.

352 Section 6. Section **53B-8-205**, which is renumbered from Section 53B-8-111 is
353 renumbered and amended to read:

354 ~~[53B-8-111]~~. **53B-8-205. Supplemental scholarship award -- Exemplary**
355 **academic achievement -- Regents' diploma.**

356 (1) This section only applies to a student who graduates from high school on or before
357 July 1, 2018.

358 ~~[(1)]~~ (2) A student who qualifies for the Base Regents' scholarship in accordance with
359 the provisions of Section ~~[53B-8-109]~~ 53B-8-203 shall qualify for an additional Exemplary
360 Academic Achievement scholarship if the student:

361 (a) completes high school with a cumulative grade point average of 3.5 or higher;

362 (b) except as provided in Subsection ~~[(7)]~~ (8), earns a course grade on a transcript of
363 "B" or above in each individual course listed in Subsection ~~[53B-8-109(1)(d)(i)]~~

364 53B-8-203(2)(d)(i); and

365 (c) (i) scores a composite ACT score of 26 or higher; and

366 (ii) if determined by the board's policies, achieves additional ACT college readiness
367 benchmark scores in English, mathematics, reading, and science.

368 ~~[(2)]~~ (3) For a student who graduates from high school in the 2009-10 school year:

369 (a) if used at a higher education institution described in Subsection [~~53B-8-108(3)(a)~~]
 370 53B-8-202(4)(a), the value of an Exemplary Academic Achievement scholarship is up to 75%
 371 of the tuition costs at the selected institution; or

372 (b) if used at a higher education institution described in Subsection [~~53B-8-108(3)(b)~~]
 373 53B-8-202(4)(b), the value of an Exemplary Academic Achievement scholarship is up to 75%
 374 of the tuition costs at the institution, not to exceed 75% of the average tuition costs at the
 375 institutions described in Subsection [~~53B-8-108(3)(a)~~] 53B-8-202(4)(a).

376 [~~(3)~~] (4) (a) For a student who graduates from high school in or after the 2010-11
 377 school year, the total value of an Exemplary Academic Achievement scholarship is up to
 378 \$5,000, allocated over a time period described in Subsection [~~(4)~~] (5), as prescribed by the
 379 board.

380 (b) The board may adjust the amount of the Exemplary Academic Achievement
 381 scholarship by up to a percentage of the average percentage tuition increase approved by the
 382 board for institutions in the state system of higher education.

383 [~~(4)~~] (5) An Exemplary Academic Achievement scholarship is valid for the shortest of
 384 the following time periods:

- 385 (a) two years of full-time equivalent enrollment;
- 386 (b) 65 credit hours; or
- 387 (c) until the student meets the requirements for a baccalaureate degree.

388 [~~(5) (a) The board may cancel an Exemplary Academic Achievement scholarship at~~
 389 ~~any time if the student fails to:]~~

- 390 [~~(i) register as a full-time student;]~~
- 391 [~~(ii) maintain a 3.0 grade point average for two consecutive semesters; or]~~
- 392 [~~(iii) make reasonable progress towards the completion of a baccalaureate degree.]~~
- 393 [~~(b) Beginning July 1, 2013, the]~~

394 (6) The board may cancel an Exemplary Academic Achievement scholarship at any
 395 time if the student fails to:

- 396 [~~(i)~~] (a) register for at least 15 credit hours per semester;
- 397 [~~(ii)~~] (b) maintain a 3.3 grade point average for two consecutive semesters; or
- 398 [~~(iii)~~] (c) make reasonable progress [~~towards~~] toward the completion of a baccalaureate
 399 degree.

400 ~~[(6)]~~ (7) A student who qualifies for the Exemplary Academic Achievement
401 scholarship under this section may also receive a Regents' diploma endorsement to be issued by
402 the board.

403 ~~[(7)]~~ (8) For purposes of determining if a student meets the grade requirements of
404 Subsection ~~[(+)]~~ (2)(b), the board shall assign additional weights to grades earned in courses
405 described in Subsection ~~[53B-8-109(1)(d)(i)]~~ 53B-8-203(2)(d)(i) that are advanced placement,
406 concurrent enrollment, or International Baccalaureate program courses.

407 Section 7. Section **63G-12-402** is amended to read:

408 **63G-12-402. Receipt of state, local, or federal public benefits -- Verification --**
409 **Exceptions -- Fraudulently obtaining benefits -- Criminal penalties -- Annual report.**

410 (1) (a) Except as provided in Subsection (3) or when exempted by federal law, an
411 agency or political subdivision of the state shall verify the lawful presence in the United States
412 of an individual at least 18 years of age who applies for:

- 413 (i) a state or local public benefit as defined in 8 U.S.C. Sec. 1621; or
414 (ii) a federal public benefit as defined in 8 U.S.C. Sec. 1611, that is administered by an
415 agency or political subdivision of this state.

416 (b) For purpose of a license issued under Title 58, Chapter 55, Utah Construction
417 Trades Licensing Act, to an applicant that is an unincorporated entity, the Department of
418 Commerce shall verify in accordance with this Subsection (1) the lawful presence in the United
419 States of each individual who:

- 420 (i) owns an interest in the contractor that is an unincorporated entity; and
421 (ii) engages, or will engage, in a construction trade in Utah as an owner of the
422 contractor described in Subsection (1)(b)(i).

423 (2) This section shall be enforced without regard to race, religion, gender, ethnicity, or
424 national origin.

425 (3) Verification of lawful presence under this section is not required for:

- 426 (a) any purpose for which lawful presence in the United States is not restricted by law,
427 ordinance, or regulation;
428 (b) assistance for health care items and services that:
429 (i) are necessary for the treatment of an emergency medical condition, as defined in 42
430 U.S.C. Sec. 1396b(v)(3), of the individual involved; and

- 431 (ii) are not related to an organ transplant procedure;
- 432 (c) short-term, noncash, in-kind emergency disaster relief;
- 433 (d) public health assistance for immunizations with respect to immunizable diseases
434 and for testing and treatment of symptoms of communicable diseases whether or not the
435 symptoms are caused by the communicable disease;
- 436 (e) programs, services, or assistance such as soup kitchens, crisis counseling and
437 intervention, and short-term shelter, specified by the United States Attorney General, in the
438 sole and unreviewable discretion of the United States Attorney General after consultation with
439 appropriate federal agencies and departments, that:
- 440 (i) deliver in-kind services at the community level, including through public or private
441 nonprofit agencies;
- 442 (ii) do not condition the provision of assistance, the amount of assistance provided, or
443 the cost of assistance provided on the income or resources of the individual recipient; and
- 444 (iii) are necessary for the protection of life or safety;
- 445 (f) the exemption for paying the nonresident portion of total tuition as set forth in
446 Section [53B-8-106](#);
- 447 (g) an applicant for a license under Section [61-1-4](#), if the applicant:
- 448 (i) is registered with the Financial Industry Regulatory Authority; and
- 449 (ii) files an application with the state Division of Securities through the Central
450 Registration Depository;
- 451 (h) a state public benefit to be given to an individual under Title 49, Utah State
452 Retirement and Insurance Benefit Act;
- 453 (i) a home loan that will be insured, guaranteed, or purchased by:
- 454 (i) the Federal Housing Administration, the Veterans Administration, or any other
455 federal agency; or
- 456 (ii) an enterprise as defined in 12 U.S.C. Sec. 4502;
- 457 (j) a subordinate loan or a grant that will be made to an applicant in connection with a
458 home loan that does not require verification under Subsection (3)(i);
- 459 (k) an applicant for a license issued by the Department of Commerce or individual
460 described in Subsection (1)(b), if the applicant or individual provides the Department of
461 Commerce:

- 462 (i) certification, under penalty of perjury, that the applicant or individual is:
- 463 (A) a United States citizen;
- 464 (B) a qualified alien as defined in 8 U.S.C. Sec. 1641; or
- 465 (C) lawfully present in the United States; and
- 466 (ii) (A) the number assigned to a driver license or identification card issued under Title
- 467 53, Chapter 3, Uniform Driver License Act; or
- 468 (B) the number assigned to a driver license or identification card issued by a state other
- 469 than Utah if, as part of issuing the driver license or identification card, the state verifies an
- 470 individual's lawful presence in the United States; and
- 471 (l) an applicant for:
- 472 (i) a Regents' scholarship described in [~~Section 53B-8-109~~] Title 53B, Chapter 8, Part
- 473 2, Regents' Scholarship Program;
- 474 (ii) a New Century scholarship described in Section 53B-8-105; or
- 475 (iii) a privately funded scholarship:
- 476 (A) for an individual who is a graduate of a high school located within Utah; and
- 477 (B) administered by an institution of higher education as defined in Section 53B-2-101.
- 478 (4) (a) An agency or political subdivision required to verify the lawful presence in the
- 479 United States of an applicant under this section shall require the applicant to certify under
- 480 penalty of perjury that:
- 481 (i) the applicant is a United States citizen; or
- 482 (ii) the applicant is:
- 483 (A) a qualified alien as defined in 8 U.S.C. Sec. 1641; and
- 484 (B) lawfully present in the United States.
- 485 (b) The certificate required under this Subsection (4) shall include a statement advising
- 486 the signer that providing false information subjects the signer to penalties for perjury.
- 487 (5) An agency or political subdivision shall verify a certification required under
- 488 Subsection (4)(a)(ii) through the federal SAVE program.
- 489 (6) (a) An individual who knowingly and willfully makes a false, fictitious, or
- 490 fraudulent statement or representation in a certification under Subsection (3)(k) or (4) is subject
- 491 to the criminal penalties applicable in this state for:
- 492 (i) making a written false statement under Subsection 76-8-504(2); and

493 (ii) fraudulently obtaining:

494 (A) public assistance program benefits under Sections 76-8-1205 and 76-8-1206; or

495 (B) unemployment compensation under Section 76-8-1301.

496 (b) If the certification constitutes a false claim of United States citizenship under 18
497 U.S.C. Sec. 911, the agency or political subdivision shall file a complaint with the United
498 States Attorney General for the applicable district based upon the venue in which the
499 application was made.

500 (c) If an agency or political subdivision receives verification that a person making an
501 application for a benefit, service, or license is not a qualified alien, the agency or political
502 subdivision shall provide the information to the Office of the Attorney General unless
503 prohibited by federal mandate.

504 (7) An agency or political subdivision may adopt variations to the requirements of this
505 section that:

506 (a) clearly improve the efficiency of or reduce delay in the verification process; or

507 (b) provide for adjudication of unique individual circumstances where the verification
508 procedures in this section would impose an unusual hardship on a legal resident of Utah.

509 (8) It is unlawful for an agency or a political subdivision of this state to provide a state,
510 local, or federal benefit, as defined in 8 U.S.C. Sec. 1611 and 1621, in violation of this section.

511 (9) A state agency or department that administers a program of state or local public
512 benefits shall:

513 (a) provide an annual report to the governor, the president of the Senate, and the
514 speaker of the House regarding its compliance with this section; and

515 (b) (i) monitor the federal SAVE program for application verification errors and
516 significant delays;

517 (ii) provide an annual report on the errors and delays to ensure that the application of
518 the federal SAVE program is not erroneously denying a state or local benefit to a legal resident
519 of the state; and

520 (iii) report delays and errors in the federal SAVE program to the United States
521 Department of Homeland Security.

522 Section 8. Section 63I-2-253 is amended to read:

523 **63I-2-253. Repeal dates -- Titles 53, 53A, and 53B.**

- 524 (1) Section [53A-1-403.5](#) is repealed July 1, 2017.
- 525 (2) Section [53A-1-411](#) is repealed July 1, 2017.
- 526 (3) Section [53A-1-709](#) is repealed July 1, 2020.
- 527 (4) Subsection [53A-1a-513\(4\)](#) is repealed July 1, 2017.
- 528 (5) Section [53A-1a-513.5](#) is repealed July 1, 2017.
- 529 (6) Title 53A, Chapter 1a, Part 10, UPSTART, is repealed July 1, 2019.
- 530 (7) Title 53A, Chapter 8a, Part 8, Peer Assistance and Review Pilot Program, is
- 531 repealed July 1, 2017.
- 532 (8) Sections [53A-24-601](#) and [53A-24-602](#) are repealed January 1, 2018.
- 533 (9) (a) Subsections [53B-2a-103\(2\)](#) and (4) are repealed July 1, 2019.
- 534 (b) When repealing Subsections [53B-2a-103\(2\)](#) and (4), the Office of Legislative
- 535 Research and General Counsel shall, in addition to its authority under Subsection [36-12-12\(3\)](#),
- 536 make necessary changes to subsection numbering and cross references.
- 537 (10) (a) The following sections are repealed on July 1, 2023:
- 538 (i) Section [53B-8-202](#);
- 539 (ii) Section [53B-8-203](#);
- 540 (iii) Section [53B-8-204](#); and
- 541 (iv) Section [53B-8-205](#).
- 542 (b) (i) Subsection [53B-8-201\(2\)](#) is repealed on July 1, 2023.
- 543 (ii) When repealing Subsection [53B-8-201\(2\)](#), the Office of Legislative Research and
- 544 General Counsel shall, in addition to its authority under Subsection [36-12-12\(3\)](#), make
- 545 necessary changes to subsection numbering and cross references.
- 546 [~~10~~] (11) Title 53B, Chapter 18, Part 14, Uintah Basin Air Quality Research Project,
- 547 is repealed July 1, 2023.

Legislative Review Note
Office of Legislative Research and General Counsel